

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

CASE NO.: 1:14-CV-121(WLS)

v.

ONE 2008 CHEVROLET, 1500 SILVERADO,
VIN: 1GCEC19J48Z228962,
Defendant Property.

VERIFIED COMPLAINT FOR FORFEITURE

COMES NOW, Plaintiff, the United States of America, by and through its attorney, the United States Attorney for the Middle District of Georgia, brings this complaint and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action *in rem* brought pursuant to Title 21, United States Code, Sections 881(a)(4) and (a)(6), to forfeit and condemn to the use and benefit of the United States of America certain personal property, to wit: one 2008 Chevrolet, 1500 Silverado, VIN: 1GCEC19J48Z228962, (hereinafter referred to as the "Defendant Property").

The Defendant in Rem

2. The Defendant Property consists of one 2008 Chevrolet, 1500 Silverado, VIN: 1GCEC19J48Z228962, seized from Nancy J. Howard, on February 7, 2013, at 235 Brown Small Road, in Leslie, Sumter County, Georgia. The Defendant Property is

presently in the custody of the United States Marshals Service and is located at 423 Mulberry Street, Macon, Georgia.

Jurisdiction and Venue

3. Plaintiff brings this action *in rem* in its own right to forfeit the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b). Upon the filing of this complaint, the Plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the Plaintiff will execute upon the Defendant Property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this District pursuant to 28 U.S.C. § 1395, because the Defendant Property was seized in Sumter County, Georgia, which is a place within the Middle District of Georgia.

6. The seizure of the Defendant Property was adopted by the United States Department of Justice, Federal Bureau of Investigation (“FBI”), which began administrative forfeiture proceedings. On or about May 20, 2014, Richard W. Jones, GDC ID: 143416, GSP K4-4, 2164 Georgia Highway 147, Reidsville, Georgia, 30499, filed a claim with the FBI, after which the FBI referred the matter to the United States Attorney for the Middle District of Georgia.

Basis For Forfeiture

7. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it was used or intended to be used to transport, or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance, in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801, et seq., an offense punishable by more than one year's imprisonment.

8. In the alternative, the Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it 1) was furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act; 2) represents proceeds traceable to such an exchange; and/or 3) was used or intended to be used to facilitate a violation of the Controlled Substances Act.

Factual Allegations

9. Beginning in or about September of 2011, Internal Investigator Shawn Corley and Senior Internal Investigator Sandra Smith of the Georgia Department of Corrections Criminal Investigation Unit (“GDOC-CI”), began an investigation involving the delivery of contraband and narcotics into the Valdosta State Prison, located at 3259 Valtech Road, Valdosta, Georgia 31601.

10. The investigation by the GDOC-CI led to the identity of a number of individuals, including Richard W. Jones (“Jones”) and Nancy J. Howard (“Howard”).

11. On December 11, 2012, a United States Postal Service package was intercepted coming into the Valdosta State Prison. The package contained a number of vacuum sealed packages containing tobacco, three (3) vacuum sealed packages containing what appeared to be marijuana, forty-eight (48) cellular telephones, two (2)

folding plastic knives, a set of screwdrivers, a diamond ring, cologne packets, tubes of super glue, red tattoo ink, digital scales, a glass smoking pipe and two (2) G-Shock wrist watches.

12. Based on the information revealed during the investigation, a State Search Warrant was obtained on February 7, 2013, for the residence maintained by the parents of Howard, located at 235 Brown Small Road, Leslie, Sumter County, Georgia.

13. During the execution of the state Search Warrant, the GDOC-CI investigators, along with the assistance of agents from the FBI, found *inter alia*, three (3) bags of shredded money pack cards, a number of credit cards in various names, four (4) cans of Buglers tobacco, forty-seven (47) Tops cigarette rolling paper, forty-three (43) cell phone chargers, six (6) cell phone boxes, four (4) ledgers, three (3) pages of account totals, two (2) vacuum sealers, packaging materials, and the Defendant Property (2008 Chevrolet 1500 Silverado, VIN: 1GCEC19J48Z228962).

14. The Defendant Property is registered to Howard, and a lien is currently held by First State Bank, Post Office Box 508, Americus, Georgia, 31709.

15. Howard was present at the time the state Search Warrant was executed, and an interview was conducted. During the interview, Howard admitted to facilitating the delivery of contraband, narcotics, and large amounts of United States currency into prisons located in the State of Georgia at the direction of Jones. Howard stated that the currency was withdrawn from pre-paid cards. Howard further admitted that Jones had allowed her to withdraw \$13,000.00 in United States funds from the pre-paid cards to purchase the Defendant Property, and had used the Defendant Property to assist in the transportation of the contraband, narcotics, and currency for the deliveries to prisons

within the State of Georgia. Howard provided a voluntarily handwritten statement on a GDOC-CI Sworn Statement form.

16. Based on Howard's statements, the Defendant Property was seized, and consists of a 2008 Chevrolet 1500 Silverado, VIN: 1GCEC19J48Z228962.

Conclusion

17. Based on the foregoing, probable cause exists to believe that the Defendant Property was used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance, in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, an offense punishable by more than one year's imprisonment, and is therefore, subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4).

18. Alternatively, based on the foregoing, probable cause exists to believe that the Defendant Property was furnished or intended to be furnished in exchange for a controlled substance, in violation of the Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, punishable by more than one year's imprisonment, constitutes proceeds traceable to such an exchange, and/or was used or intended to be used to facilitate a violation of the Controlled Substances Act, and is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that process of warrant issue for the arrest of the Defendant Property; that due notice be given to all parties to appear and show cause why forfeiture should not be decreed; that judgment be entered declaring the Defendant Property forfeited to the United States of America for disposition according to law; and that the United States of America be granted such

other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED, August 18, 2014.

MICHAEL J. MOORE
UNITED STATES ATTORNEY

By: s/ DANIAL E. BENNETT
ASSISTANT UNITED STATES ATTORNEY
GEORGIA STATE BAR NO. 052683
UNITED STATES ATTORNEY'S OFFICE
Post Office Box 1702
Macon, Georgia 31202-1702
Telephone: (478) 752-3511
Facsimile: (478) 621-2712